

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NO. 11 - 1

SEWER ORDINANCE AMENDMENT ORDINANCE

An Ordinance to amend the Charter Township of Hampton Sewer Ordinance, being the Charter Township of Hampton Ordinance No. 11, by adding certain Sections thereto and by amending Section 1 of Article VII of said Ordinance No. 11.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN ORDAINS:

SECTION 1. Short Title

This Ordinance shall be known as the "Sewer Ordinance Amendment Ordinance."

SECTION 2. Amendment to Ordinance No. 11, Article II - Definitions.

Ordinance No. 11, Article II - Definitions, is hereby amended by adding thereto the following Sections: Section 34, Section 35, Section 36, Section 37 and Section 38, which added Sections read in full as follows:

Section 34. "Industrial Cost Recovery" shall mean the recovery from each industrial user which discharges industrial process wastes which are more than the equivalent of 25,000 gallons per day of normal strength sewage as defined, that portion of U.S. Environmental Protection Agency grants which are allocable to the collection of said wastes from said users. Waste contributions from human sanitary conveniences will be excluded from computations of process waste loadings."

"Section 35. "Industrial User" shall mean any manufacturing establishment which produces a product from raw or purchased material. This category shall also refer to any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E or I, excluding those users already identified in one of the other user classes. Industrial users subject to the "Industrial Cost Recovery System" shall include

the following (a) Any nongovernmental user of publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day of normal strength sewage as defined; (b) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injury or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in, or have an adverse effect on, the waters receiving any discharge from the treatment works."

"Section 36. "Normal Strength Sewage" shall mean a sanitary wastewater flow containing an average-day 5-day BOD strength of 200 mg/l or an average-day suspended solids concentration of 250 mg/l."

"Section 37. "Operation and Maintenance Costs" shall mean all costs, direct and indirect (other than debt service), necessary to insure adequate wastewater treatment on a continuing basis, to conform with all related federal, state and local requirements and to assure optimal long-term facility management (O & M costs include depreciation and replacement costs)."

"Section 38. "Replacement Costs" shall mean necessary expenditures made during the service life of the treatment works to replace equipment and plant appurtenances required to maintain the intended performance of the treatment works."

SECTION 3. Amendment to Ordinance No. 11, Article V - Building Sewers and Connections.

Ordinance No. 11, Article V - Building Sewers and Connections, is hereby amended by adding thereto the following Section 17, which added Section reads in full as follows:

"Section 17. No connection to sanitary sewers will be permitted unless there is sufficient available capacity in the Sewage Works as determined by the Superintendent."

SECTION 4. Amendment to Ordinance No. 11, Article VII - Charge For Use Of

Public Sewer, Section 1.

Ordinance No. 11, Article VII - Charge for Use of Public Sewer, Section 1, is amended to read in full as follows:

"Section 1. The Township Board shall have the authority to establish appropriate sewer use charges to provide revenues to satisfy operation and maintenance and replacement costs associated with the Township's sanitary sewerage system. These charges will be in addition to those charges promulgated by the City of Bay City for Township sewer users. The Board shall review operation and maintenance costs annually, and shall have the authority to adjust sewer use charges based on said review."

SECTION 5. Amendment To Ordinance No. 11, Article VII - Charge For Use of

Public Sewer.

Ordinance No. 11, Article VII - Charge For Use of Public Sewer, is hereby amended by adding thereto the following Sections: Section 4, Section 5, Section 6 and Section 7, which added Sections read in full as follows:

"Section 4. Sewer user charges shall be at the rate of \$0.15 per 100 cubic feet of water used quarterly."

"Section 5. Each sewer user which is subject to Industrial Cost Recovery, as defined, will be subject to an industrial cost recovery charge for use of Township Sewage Works which were funded in part by U.S. EPA Construction Grants received after March 1, 1973. The charge will be levied in accordance with Federal Regulations in force after July 1, 1979 and will be based on waste volume, delivery flow rate, and pollutant loadings as they may affect the capacity of eligible

Sewage Works. These industrial cost recovery charges are in addition to those promulgated by the City of Bay City's User Charge and Industrial Cost Recovery System. The Township shall reserve the right to adjust said industrial cost recovery charges to any sewer user that significantly alters its waste volume or delivery flow rate. Affected users shall only be required to pay charges for those years that they use the system and only at an annual rate in proportion to the length of the entire recovery period. The industrial cost recovery period is the time period that is provided to allow industrial users to pay their total industrial cost recovery charge and shall be equal to 30 years."

"Section 6. The industrial cost recovery charge for each affected Industrial User shall be a portion of Federal construction grant amounts equal in proportion to the industrial share of the total capacity of the System in terms of strength, volume and delivery flow rate. Specifically, the industrial cost recovery charge shall be as shown in Exhibit A, below. Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industrial user divided by the number of years in the cost recovery period.

EXHIBIT A  
INDUSTRIAL COST RECOVERY CHARGE CALCULATION

A. Design Capacity = 2.7 mgd  
= 1.32 mill ccf/year

B. EPA Grant Amounts:            Step 1 - \$ 93,895  
   Step 2 - \$ 27,600  
   Step 3 - \$502,725  
Total -- \$624,220

C. Industrial Cost Recovery Charge per ccf of process wastes, \$0.47/ccf/year."

"Section 7. Costs recovered from the Industrial Cost Recovery program shall be deposited by the Township in a separate account identified

as the "Industrial Cost Recovery Account". Funds shall be distributed from the "Industrial Cost Recovery Account" in accordance with U. S. Environmental Protection Agency rules and in the following manner:

- a. The Township shall retain fifty (50) percent of the total recovered amount. The remainder, together with any interest earned thereon, shall be returned to the U. S. Treasury on an annual basis.
- b. Eighty (80) percent of the retained amount, together with interest earned thereof, shall be used solely for the eligible costs of expansion or reconstruction of the treatment works and only upon written approval by the Administrator of EPA, Region V. The remainder of the retained amount may be used as the Township sees fit.
- c. Pending use, the Township shall invest the retained amounts for expansion and reconstruction in: 1) obligations of the U.S. government; 2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or 3) shall deposit said amounts in accounts fully collateralized by obligations of the U. S. Government or by obligations fully guaranteed as to principal and interest by the U. S. Government or any agency thereof."

SECTION 6. Amendment to Ordinance No. 11, Article X - Penalties.

Ordinance No. 11, Article X - Penalties, is hereby amended by adding thereto the following Section 3, which Section reads in full as follows:

"Section 3. Any person violating any of the provisions of this Ordinance, and which violation results in fines, injury claims, or penalties being levied against the Township, shall become liable for said fines, claims or penalties, plus any expenses, losses or damages occasioned by such violation. Fines, penalties, damages and losses resulting from said violation shall be levied in addition to the penalties described in Section 2 of this Article."

SECTION 7. Repeal.

All Ordinances or parts of Ordinances, heretofore adopted by the Township, which are in conflict with this Ordinance are hereby repealed.

SECTION 8. Separability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court

of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

SECTION 9 - Effective Date

This Ordinance shall take effect immediately upon publication following its adoption.